



City of Marietta

Meeting Summary

CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, September 09, 2009

7:00 PM

Council Chamber

20090964 **Service Award - Julia C. Walker**

Presentation of a Service Award to Julia C. Walker for her service and dedication on the Marietta Historic Preservation Commission and Historic Board of Review.

Presented

20090825 **Marietta School System Energy Conservation Competition**

Representatives from Marietta City Schools, Marietta Board of Lights and Water and Apogee Interactive are present to accept a Proclamation for their web-based energy conservation contest in which each of the city school's will compete to decrease their electrical consumption starting September 1, 2009 throughout the school year.

Presented

20090863 **Clean Water Week Proclamation**

Kim Holland receives a Proclamation declaring September 27-October 3, 2009 as Clean Water Week.

Presented

20090864 **Public Power Week Proclamation**

Karmen Scarbro receives a Proclamation declaring September 27-October 3, 2009 as the 23rd annual Public Power Week.

Presented

20090876 **Regular Meeting - August 12, 2009**

Review and approval of the August 12, 2009 regular meeting.

Approved

20090882 **Special Meeting - August 26, 2009**

Review and approval of the August 26, 2009 special meeting.

Approved

20090816

Marietta Historic Preservation Commission

Appointment of Douglas M. Frey to the Historic Preservation Commission to fill an expiring term for Ward 3, for a three (3) year term expiring September 14, 2012.

Approved

20090872

Marietta Museum of History Board of Directors

Appointment of Walter Keen (Kee) Carlisle to the Marietta Museum of History for a three (3) year term expiring October 31, 2012.

Approved

20090891

Construction Board of Adjustment and Appeals

Appointment of Gordon L. Brans to the Construction Board of Adjustment and Appeals to fill an unexpired term (Ward 3), expiring January 31, 2011.

Approved

20090893

Code Enforcement - 876 Richard Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 876 Richard Street.

Listed Owner: Kenneth C. Cook

Repeat Violation History: (3) previous cases since June, 2008.

Certified mail receipt not received as of 08/28/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20090922

Code Enforcement - 341 W. Post Oak Crossing

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 W. Post Oak Crossing.

Listed Owner: Erika S. Burse

Repeat Violation History: (13) previous cases since May 7, 2002.

Certified mail receipt not received as of 08/28/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090923 Code Enforcement - 335 Pin Oak Court

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 335 Pin Oak Court.

Listed Owner: Garcia Iris

Repeat Violation History: (3) previous cases since May 12, 1997.

Certified mail receipt not received as of 08/28/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090924 Code Enforcement - 78 Griggs Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 78 Griggs Street.

Listed Owner: Peterson, Daniel

Repeat Violation History: (5) previous cases since June 27, 2001.

Certified mail receipt received 08/14/09; signed by Pak Mail Centers of America.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090928 Code Enforcement - 261 Hill Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 261 Hill Street.

Listed Owner: Marvin R. Little

Repeat Violation History: (2) previous cases since August 15, 2007.

Certified mail receipt received 08/20/09; signed by owner.

Taxes paid: Unpaid; owes \$683.45

PUBLIC HEARING REQUIRED

Approved

20090929 Code Enforcement - 1425 Cunningham Road

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1425 Cunningham Road.

Listed Owner: Joseph Milk

Repeat Violation History: (6) previous cases since October 29, 1998.

Certified mail receipt not received as of 08/28/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090930

Code Enforcement - 650 Powder Springs Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 650 Powder Springs Street.

Listed Owner: Noble Realty Incorporated

Repeat Violation History: (6) previous cases since September 13, 2006.

Certified mail receipt not received as of 08/28/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090931

Code Enforcement - 562 Welch Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 562 Welch Street.

Listed Owner: James M. Thompson

Repeat Violation History: (2) previous cases since December 20, 2000.

Certified mail receipt received 07/31/09; unclaimed. Spoke to owner in person.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090932

Code Enforcement - 574 Welch Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 574 Welch Street.

Listed Owner: Arnold Long

Repeat Violation History: (12) previous cases since January 11, 2001.

Certified mail receipt received 07/31/09; unclaimed; spoke with owner on phone.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20090934

Code Enforcement - 600 Tom Read Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 600 Tom Read Drive.

Listed Owner: Webb Jason D

Repeat Violation History: (7) previous cases since September, 2007.

Certified mail receipt not received as of 08/27/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090935

Code Enforcement - 285 Hamilton Court

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 285 Hamilton Court.

Listed Owner: Shabazaz Masood Tony

Repeat Violation History: (4) previous cases since August 24, 2006.

Certified mail receipt not received as of 08/28/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20090936

Code Enforcement - 1434 James Street

An ordinance authorizing the reremoval of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1434 James Street.

Listed Owner: Tarbutton Deborah M & Robert E

Repeat Violation History: None.

Certified mail receipt received 08/21/09; signature not legible.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved as Amended

20090937

Code Enforcement - 241 Pauladean Circle

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 241 Pauladean Circle.

Listed Owner: Pope Mary N (Deceased)

Repeat Violation History: (5) previous cases since August 7, 2003.

Certified mail receipt received 08/22/09; signed by Don Pope (son).

Taxes paid: Unpaid, Owes \$1,793.85 for 2005 thru 2008.

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20090938

Code Enforcement - 390 Scott Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 390 Scott Drive.

Listed Owner: Cash James G

Repeat Violation History: (6) previous cases since August 26, 2005.

Certified mail receipt not received as of 08/28/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090939

Code Enforcement - 123 Lacy Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 123 Lacy Street.

Listed Owner: Roselane Professional Group LLC

Repeat Violation History: (3) previous cases since June 25, 2008.

Certified mail receipt received 08/21/09; signed by tenant ?; owner's not returned.

Taxes paid: Unpaid; owes \$19.36 for 2008.

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20090943 **Denial of a claim**

Denial of the claim of Concepcion Landor.

Approved to Deny Claim

20090883 **Proposed changes to the Marietta Growth Fund**

Motion approving the amended project description of the federal HUD EDI grant # B-05-SP-GA-0448 in the amount of \$99,200.00 from a loan program to a grant program for the Marietta Growth Fund as approved by the Director of the Congressional Grants Division, U. S. Dept. of Housing and Urban Development. And, acceptance of the revised Marietta Growth Fund grant guidelines pertaining to U.S. HUD grants funds only. (Exhibit A)

Approved as Amended

Motion approving the amended project description of the federal HUD EDI grant # B-05-SP-GA-0448 in the amount of \$99,200 and HUD EDI grant # B-06-SP-GA-0255 in the amount of \$99,000 from a loan program to a grant program for the Marietta Growth Fund as approved by the Director of the Congressional Grants Division, U. S. Dept. of Housing and Urban Development. And, acceptance of the revised Marietta Growth Fund grant guidelines pertaining to U.S. HUD grants funds only. (Exhibit A)

20090834 **Grant Award**

Ordinance approving an amendment to the Fiscal Year 2010 General Fund budget to receive and appropriate grant funding from the Department of Justice for \$856,974 to pay for six newly hired officers for three years.

Approved

20090886 **National Recreation and Park Association Archery Grant**

Ordinance approving an amendment to the Fiscal Year 2010 General Fund budget to receive and appropriate a donation from the National Recreation and Park Association for a youth archery program.

Approved

20090779 Smoking in City Parks

Approval of a replacement to Ordinance 10-4-210 extending the ban on smoking in Glover Park to all parks.

Approved

20090768 Rockford Commons

Amending Item #5 in the Letter of Stipulations dated March 21, 2006 from Garvis L. Sams, Jr. to Rusty J. Roth to allow construction of homes with a minimum of 2,000 square feet instead of 2,200 square feet.

Approved

20090874 Parks and Recreation Bond

Motion to approve the allocation of funds for the Park Bond for the City of Marietta, attached hereto as Exhibit "A, Version 8-20-09" and incorporated herein by reference, subject to the fact that the allocations of funds for project components are estimates and may vary as planning, engineering, site improvements, etc. progress, with a citizen committee appointed by the next City Council. Surplus from over-estimated projects, including interest received on bond funds of such projects, shall be used first to complete under-estimated projects and all remaining funds received from interest and over-estimated projects shall be used for other projects or improvements which the City Council may deem necessary and which are encompassed within the language of the statement of purpose in the election notice.

Approved

20090857 Renewal of annual health plan

Motion to approve renewal of the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2010. Further, authority is requested to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc.

Approved

20090858 Pension Board length of term

Approval of an Ordinance modifying the City of Marietta/BLW Retirement Plans to change the length of term for Pension Board members from two years to three years.

Approved

20090859 Membership in Georgia Association of Public Benefit Plans (GAPBP)

Motion to approve the request by the Pension Board that the city of Marietta join the newly formed Gerogia Association of Public Benefit Plans (GAPBP).

Approved

20090887

Personnel Rules and Regulations - Smoking Policy

Approval of an Ordinance amending City Code Sections 4-4-36-030 so as to update the Smoking Policy in the Personnel Rules and Regulations.

Approved

20090862

Standard Operating Procedures

Motion approving revisions to the following Standard Operating Procedures for the Marietta Police Department: A036 Ride-along Program, A047 Internal Affairs, A078 Transfers, A082 Performance Evaluations, T050 Training.

Approved

20090867

No Parking Zone

Motion authorizing the installation of No Parking signs along the Washington Avenue and Beavers Street frontage of property at 27 Beavers Street.

Approved

20090868

Dobbs Street Extension

A motion dedicating the Dobbs Street Extension right of way as described on the attached legal description for the purposes of a public roadway.

Approved

20090869

Etowah Habitat Conservation Plan

Resolution acknowledging the City of Marietta as a participating local government in the Etowah Aquatic Habitat Conservation Plan.

Approved

20090870

Georgia Department of Transportation Gateway Grant

Approval of Resolutions and Memorandum of Understandings for two Georgia Department of Transportation Gateway Grant applications for landscaping and beatification of gateway areas in the City. Proposed locations to be considered are Polk Street at North Marietta Parkway (SR 120 Loop), and South Marietta (SR 120 Loop) from Cobb Parkway (US 41) to Franklin Road.

Approved

20090892

Church Street Parking

Motion authorizing a 2 Hour Parking zone be placed along 3 spaces immediately north of Lemon Street along the east side of Church Street.

Approved

20090905 **No Parking on Soaring Drive**

Motion authorizing the installation of a No Parking Zone along both sides of Soaring Drive beginning at 80' from Barnes Mill Road to the intersection of Barnes Mill Road.

Approved

20090965 **Reimbursement Resolution**

Motion to approve document attached as document number 1. Explanation: This Resolution sets forth the City's intent to request the issuance of tax-exempt bonds or taxable Build America Bonds by the Downtown Marietta Development Authority ("DMDA") to finance various capital projects of the City and to reimburse the City from bond proceeds for project expenses advanced by the City prior to the issuance of the bonds. The City will be spending funds for this project in advance of the issuance of the bonds. The Internal Revenue Service requires the adoption of a "reimbursement resolution" whenever an issuer plans to reimburse expenditures made prior to the issuance of bonds from bond proceeds.

Approved

20090966 **Authorizing Resolution for Agreement of Sale with DMDA relating to DMDA Issuance of Revenue Bonds to Fund City Projects**

Motion to approve document attached as document number 2. Explanation: This Resolution authorizes the City to execute and deliver an intergovernmental contract in the form of an Installment Purchase Agreement with DMDA in connection with the issuance by DMDA of not more than \$35,500,000 of its Revenue Bonds (City of Marietta Project) Series 2009 (the "Series 2009 Bonds"). The Series 2009 Bonds will be issued as tax-exempt obligations, taxable Build America Bonds, or as a combination of the two types of obligations, whichever will result in the lowest debt service payments on the Series 2009 Bonds. This Resolution also authorizes City officials to execute and deliver all documents and instruments necessary or appropriate in connection with the issuance of the Series 2009 Bonds.

Denied

20090967 **Resolution Authorizing Cancellation and Discharge of All Outstanding DMDA Bonds relating to the Marietta Conference Center Project and Satisfaction of All Documents and Instruments relating to the Marietta Conference Center Project Bonds.**

Motion to approve document attached as document number 3. Explanation: This Resolution authorizes the City to cancel and discharge all DMDA Marietta Conference Center Project Bonds currently held by the City as investments, in return for the termination of the City's obligations to make payments under the Conference Center Funding Agreements. The Conference Center Funding Agreements obligated the City to provide the funds required to pay debt service on DMDA's Marietta Conference Center Project Bonds. This Resolution authorizes the execution and delivery of all documents and instruments necessary or appropriate in connection with the termination of the City's obligations under the Conference Center Funding Agreements. This Resolution also approves and authorizes any or all actions of DMDA necessary or appropriate to cancel, discharge, and satisfy the Marietta Conference Center Project Bonds and all security for such Bonds, including, but not limited to, termination of the swap and the letter of credit.

No Action Taken

20090985

Attorney General Opinion

Motion to direct the City Attorney to seek a written legal opinion from the Attorney General of the State of Georgia regarding the constitutionality of the financing approved by the Marietta City Council on September 9, 2009. The requested opinion shall have a return date of September 30, 2009 in order to give the Marietta City Council time to consider the response given by the Attorney General of the State of Georgia.

Approved